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ORIGINAL

26 (Covad's to Qwest's Data Requests)

THE ARIZONA CORPORATION COMMISSION

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2001 APR 12 P 11: 55

AZ CORP COMMISSION
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IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH SECTION 271
OF THE TELECOMMUNICATIONS
ACT OF 1996

DOCKET NO. T-00000A-97-0238

Arizona Corporation Commission

DOCKETED

APR 12 2001

DOCKETED BY

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**COVAD COMMUNICATIONS COMPANY OJECTIONS TO QWEST
CORPORATION'S SECOND SET OF DATA REQUESTS**

Covad Communications Company ("Covad") submits the following objections to Qwest Corporation's ("Qwest") Second Set of Data Requests:

GENERAL OBJECTIONS TO ALL DATA REQUESTS

1. Covad objects to each and every Request to the extent they seek information subject to the attorney-client privilege, work product doctrine or any other privilege recognized by the State of Arizona. In responding to these Requests, Covad does not waive, but preserves, all such privileges.
2. Covad objects to each and every Request to the extent they seek information that is confidential, sensitive, competitive in nature or proprietary to it.
3. Covad objects to each and every Request to the extent that they are unreasonably burdensome, overly broad or not reasonably calculated to lead to the discovery of admissible evidence.
4. Covad objects to each and every one of Qwest's definitions and/or instructions to the extent they purport to abrogate any of Covad's rights, or add to any of Covad's obligations under, the Arizona Rules of Civil Procedure or the Commission's Rules.
5. Covad objects to each and every Request to the extent they are overly broad, unduly burdensome and impose any burden not expressly permitted under the

Commission's Rules or the Arizona Rules of Civil Procedure. Specifically, Covad is not required to extract information from documents, recite information contained in documents, or perform work or analysis that Qwest can perform for itself. To the extent that the burden of deriving or ascertaining the response to any Request is substantially the same for Covad and Qwest, Qwest may not shift such burden onto Covad.

6. Covad objects to each and every Request to the extent that they call for information already in the possession, custody and control of Qwest.

7. Covad objects to each and every Request to the extent they seek information outside of Covad's possession, custody or control.

8. Covad expressly reserves the right to supplement or amend its objections and responses as necessary.

Covad incorporates the foregoing General Objections and Reservation of Right into each Request as if fully set forth therein.

SPECIFIC OBJECTIONS TO ALL DATA REQUESTS

Data Request No. 1.

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it assumes facts not in evidence. Covad also objects to this Request as vague and ambiguous to the extent that Qwest fails to define with sufficient specificity critical terms and phrases. Covad also objects to this Request on the grounds that it seeks improperly to shift the burden to Covad of demonstrating technical specifications and/or feasibility of a particular UNE product; rather, it is Qwest's obligation to demonstrate the "EEL splitting," however defined or intended, is not technically feasible. Covad also objects to this Request on the grounds that it is premature since Covad has not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC's *Line Sharing Reconsideration Order*. Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks to create an obligation on the part of Covad to identify, define and document processes and procedures for "EEL splitting," which is an option that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will respond within the time period specified.

Data Request No. 2.

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it assumes facts not in evidence. Covad also objects to this Request as vague and ambiguous to the extent that Qwest fails to define with sufficient specificity critical terms and phrases. Covad also objects to this Request on the grounds that it is premature since Covad has not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC's *Line Sharing Reconsideration Order*. Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and

seeks to create an obligation on the part of Covad to identify, define and document demand for "EEL splitting," however defined or intended, which is an option that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will respond within the time period specified.

Data Request No. 3.

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it assumes facts not in evidence. Covad also objects to this Request on the grounds that it is premature since Covad has not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC's *Line Sharing Reconsideration Order*. Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks to create an obligation on the part of Covad to identify, define and document demand for "resale splitting," which is an option that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will respond within the time period specified.

Data Request No. 4

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it not only assumes facts not in evidence, but also improperly requires Covad to make specific factual assumptions that are not supported by the Request. Covad also objects to this Request as vague and ambiguous to the extent that Qwest fails to define with sufficient specificity critical terms and phrases. Covad also objects to this Request on the grounds that it is premature since Covad has not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC's *Line Sharing Reconsideration Order*. Additionally, Covad objects to this Request because it seeks the production of confidential and proprietary information that is wholly unnecessary for Qwest to determine for itself the scope of its obligations under the Telecommunications Act of 1996. Accordingly, Covad objects to this Request to the extent it seeks to create an obligation on the part of Covad to identify, explain and document its business decisions regarding "resale splitting." Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks to create an obligation on the part of Covad to identify, explain and document its business decisions regarding "resale splitting," which is an option that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will provide no further response at this time.

Data Request No. 5.

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it assumes facts not in evidence. Covad also objects to this Request as vague and ambiguous to the extent that Qwest fails to define with sufficient specificity critical terms and phrases. Covad also objects to this Request on the grounds that it seeks to improperly shift the burden to Covad of demonstrating technical specifications and/or feasibility of a particular UNE product; rather, it is Qwest's obligation to demonstrate that "other

splitting products” are not technically feasible. Covad also objects to this Request on the grounds that it is premature since Covad had not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC’s *Line Sharing Reconsideration Order*. Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks to create an obligation on the part of Covad to identify, define and document processes and procedures for “other splitting products,” which are options that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will respond within the time period specified.

Data Request No. 6.

Covad objects to this Request because it improperly combines multiple requests for information into one data request. Covad further objects to this Request to the extent it assumes facts not in evidence. Covad also objects to this Request as vague and ambiguous to the extent that Qwest fails to define with sufficient specificity critical terms and phrases. Covad also objects to this Request on the grounds that it is premature since Covad has not had the opportunity to complete its analysis regarding the best method by which to capitalize on the FCC’s *Line Sharing Reconsideration Order*. Finally, Covad objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks to create an obligation on the part of Covad to identify, define and document demand for “other splitting products,” which are options that only became available to Covad in January 2001. Subject to and without waiving these objections, Covad will respond within the time period specified.

RESPONSES

Data Request No. 1.

To the extent you advocate that Qwest should offer EEL splitting, please describe the technical specifications of such a product. Please identify which facilities are to be “split” and describe technically how such “splitting” would occur. Please produce all documents related to or supporting your response.

Response.

Subject to and without waiving its objections, Covad will provide information responsive to this Request.

Data Request No. 2.

To the extent you advocate that Qwest should offer EEL splitting, please provide all documents evidencing your current and future demand for, and plans to use, EEL splitting in Arizona.

Response.

Subject to and without waiving its objections, Covad will provide information responsive to this Request.

Data Request No. 3.

To the extent you advocate that Qwest should offer line splitting associated with Qwest resold voice service, please provide all documents evidencing your current and future demand for, and plans to use, such a product in Arizona.

Response.

Subject to and without waiving its objections, Covad will provide information responsive to this Request.

Data Request No. 4.

To the extent you advocate that Qwest should offer line splitting associated with Qwest resold voice service, please describe all reasons and facts justifying the need for such a product given the availability of UNE-P line splitting and of conversions from resold voice to UNE-P voice and the cost savings to CLECs associated with UNE-P voice as opposed to resold voice. Please include an explanation of the circumstances under which you would utilize line splitting associated with Qwest resold voice service (assuming its availability) instead of UNE-P line splitting. Please provide all documents that are relevant to, or support, your response.

Response.

Covad will provide no response at this time.

Data Request No. 5.

To the extent you advocate that Qwest should offer line splitting products for UNE combinations including Qwest loops other than UNE-P line splitting and EEL splitting, please describe the technical specifications of such additional line splitting products. Please identify which facilities are to be "split" and describe technically how such "splitting" would occur. Please produce all documents related to or supporting your response.

Response.

Subject to and without waiving its objections, Covad will provide information responsive to this Request.

Data Request No. 6.

To the extent you advocate that Qwest should offer line splitting products for UNE combinations including Qwest loops other than UNE-P line splitting and EEL splitting, please provide all documents evidencing your current and future demand for, and plans to use, such additional line splitting products in Arizona.

Response.

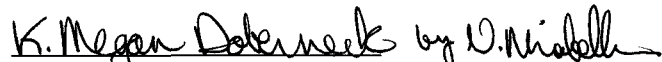
Subject to and without waiving its objections, Covad will provide information responsive to this Request.

Dated this 11th day of April, 2001.

Respectfully submitted,

COVAD COMMUNICATIONS COMPANY

By:


K. Megan Doberneck

Senior Counsel

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ORIGINAL copy e-mailed and over-nighted
this 11th day of April, 2001 to:

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CERTIFICATE OF SERVICE

I, Nancy Mirabella, hereby certify that an original and ten (10) copies of the Covad Communications Company's Objections to Qwest Corporation's Second Set of Data Requests, in Docket No. T-00000A-97-0238, were sent for filing via overnight delivery on this 11th day of April, 2001, to the following:

Arizona Corporation Commission
Docket Control-Utilities Division
1200 West Washington Street
Phoenix, AZ 85007-2996

and a true and correct copy of the foregoing was served via overnight delivery this 11th day of April, 2001, on the following:

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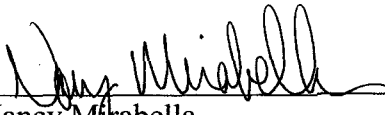
and a true and correct copy of the foregoing was sent via United States Mail, postage prepaid, on this 11th day of April, 2001, to the following:

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and a true and correct copy of the foregoing document was served electronically on April 11, 2001, to each person on the e-mail distribution list for this docket provided by Staff of the Arizona Corporation Commission.


Nancy Mirabella